

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-14 IO-14 ISO-00 FEA-02

AGR-20 CEA-02 CIAE-00 COME-00 DODE-00 FRB-02 H-03

INR-10 INT-08 L-03 LAB-06 NSAE-00 NSC-07 PA-04 RSC-01

AID-20 CIEP-02 SS-20 STR-08 TAR-02 TRSE-00 USIA-15

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TO SECSTATE WASHDC 6872

INFO AMEMBASSY BERN

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AMEMBASSY BRASILIA

AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

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AMEMBASSY OSLO

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AMEMBASSY ROME

AMEMBASSY STOCKHOLM

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E.O. 11652: NA

TAGS: ETRD, GATT

SUBJ: MTN: TNC WORKING GROUP 3(B) ON NTB'S--REPORT
TO TNC

REF: A) GENEVA 1563 NOTAL B) GENEVA 2947 NOTAL C) GENEVA 2949
NOTAL D) GENEVA 3453 NOTAL E) GENEVA 3524 NOTAL,
F) GENEVA 3978, G) GENEVA 4003 NOTAL H) GENEVA 4164,
I) GENEVA 4185 NOTAL

1. SUMMARY. NTB GROUP, IN PLENARY SESSIONS JULY 2-3,
AGREED ON ITS REPORT TO TRADE NEGOTIATIONS COMMITTEE (TNC)
CONCERNING WORK ASSIGNED TO IT BY TNC IN FEBRUARY 1974.
REPORT COVERS TECHNICAL LEVEL DISCUSSIONS ON SUBSIDIES
AND COUNTERVAILING DUTIES, QUANTITATIVE IMPORT RESTRIC-
TIONS AND EXPORT RESTRICTIONS, PACKAGING AND LABELLING,
IMPORT DOCUMENTATION, AND NTB INVENTORY AND OTHER
BASIC DATA. ONLY ISSUE SPECIFICALLY REFERRED TO TNC IS
THAT OF EXPORT RESTRICTIONS. FOLLOWING MAY ALSO ARISE
IN JULY 17 TNC MEETING: A) WHETHER MARKS OF ORIGIN
ARE INCLUDED IN CURRENT MANDATE OR WHETHER MATTER WILL
BE INCLUDED IN CURRENT MANDATE OR WHETHER MATTER WILL
BE INCLUDED IN FUTURE WORK PROGRAM; B) POSSIBLE SHARP
CRITICISM OF U.S. APPLICATION OF ANTI-DUMPING CODE AND
ITS EFFECT ON NEGOTIATION OF OTHER CODES; C) POSSIBLE
ATTEMPT TO LIMIT FUTURE NTB CONSIDERATION TO INDUSTRIAL
PRODUCTS; AND D) DEVELOPING COUNTRY PRESSURE FOR
DIFFERENTIAL TREATMENT. END SUMMARY

2. REPORT CONSISTS OF GENERALLY BALANCED PRESENTATION
OF VARIOUS VIEWS EXPRESSED IN TECHNICAL LEVEL MEETINGS,
WITHOUT IDENTIFICATION OF INDIVIDUAL COUNTRY POSITIONS
AND WITH RELATIVELY LITTLE INDICATION OF DEGREE OF
SUPPORT FOR THESE POSITIONS. THIS HAS TENDED TO MASK
EXTENT OF ATTACHKS ON U.S. NON-TARIFF MEASURES.
SUBSTANCE OF DISCUSSIONS AND PROPOSALS IS CONTAINED
IN U.S. DELEGATIONS' REPORTING OF INDIVIDUAL MEET-
INGS. (REFS A THROUGH I) RELATIVELY FEW NEW PROPOSALS
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FOR DEALING WITH
NTB'S IN NEGOTIATIONS REFLECTS RIGID INTERPRETATION
BY SOME DELEGATIONS OF TNC MANDATE TO DO "PREPARATORY
WORK OF AN ANALYTICAL AND STATISTICAL NATURE". REPORT
CAREFULLY AVOIDS PREJUDGING FORUM IN WHICH FUTURE
WORK OR NEGOTIATIONS ON NTB'S WILL TAKE PLACE.

3. ONLY ISSUE SPECIFICALLY REFERRED TO TNC IS THAT

OF EXPORT RESTRICTIONS, I.E, WHETHER THESE MEASURES WILL BE DEALT WITH IN TRADE NEGOTIATIONS AND IF SO WHAT BODY HAS COMPETENCE FOR THEIR CONSIDERATION. ON BASIS OF POSTURE AT MEETING AND INFORMAL DISCUSSIONS, CANADA APPEARS TO BE MORE FLEXIBLE THAN BEFORE ON INCLUDING EXPORT RESTRICTIONS IN NEGOTIATIONS SO LONG AS MEASURES NOT DEALT WITH IN NTB GROUP. CANADIAN PREFERENCE IS FOR CONSIDERATION OF EXPORT RESTRICTIONS IN SECTOR GROUPS BUT MIGHT AGREE TO CONSIDERATION IN SEPARATE GROUP. AUSTRALIAN POSITION ALSO APPEARS BE SOMEWHAT MORE FLEXIBLE THAN EARLIER.

4. OTHER ISSUES THAT COULD ARISE IN THE TNC FOLLOW:

A) PRIMARILY BECAUSE OF U.S. OBJECTION, JAPANESE FAILED TO HAVE GROUP CONSIDER "MARKS OF ORIGIN" A LABELLING PROBLEM. JAPAN THEN TRIED TO HAVE REPORT SHOW THAT GROUP AGREED TO REFER TO TNC QUESTION OF WHETHER MARKS OF ORIGIN WITHIN COMPETENCE OF NTB GROUP. US DELEGATION DID NOT AGREE AND MATTER LEFT THAT ISSUE COULD BE RAISED WITH TNC IF ANY COUNTRY WISHED.

B) EC DEL PROPOSED DRAFT PARAGRAPH CRITICIZING ONE COUNTRY, OBVIOUSLY US, FOR NON-APPLICATION OF ANTI-DUMPING CODE, WHICH, IN ITS VIEW, CAST DOUBT ON FEASIBILITY OF USING CODES AS MEANS OF DEALING WITH NTB'S. US DEL'S OBEJCTION TO THIS SINGLING OUT AND THREAT TO INCLUDE EQUALLY OBJECTIONABLE STATEMENTS IN REPORT RESULTED IN MODIFICATION OF EC DRAFT. REPORT NOW CONTAINS GENERAL STATEMENT ATTRIBUTED TO SEVERALS DELS THAT CODES MAY NOT BE EFFECTIVE IN DEALING WITH NTB'S UNLESS THEY ARE INCORPORATED INTO NATIONAL LEGISLATION.

C) EC AGAIN HINTED, AS INDICATED IN DEL'S COMMENT IN REPORT OF GROUPS' CONSIDERATION OF NTB INVENTORY (REF H), THAT IT MAY TRY TO ELIMINATE FROM INVENTORY NTB LIMITED OFFICIAL USE

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COMPLAINTS RELATED TO COMMODITIES CONTAINED IN BTN CHAPTERS 1-24.

5. DEVELOPING COUNTRY REPRESENTATIVES AGAIN MADE STRONG PLEA FOR DIFFERENTIAL TREATMENT, PARTICULARLY IN AREA OF QUANTITATIVE RESTRICTIONS AND SUBSIDIES AND COUNTERVAILING DUTIES, AND INDICATED THEY WOULD PROBABLY RAISE THIS ISSUE IN TNC. BRAZIL STATED THAT IT MIGHT PRESENT TO TNC NEW VERSION OF PREVIOUS PAPER (MTN/3B/W/3) ON DIFFERENTIAL TREATMENT FOR LDC'S ON SUBSIDIES AND COUNTERVAILING DUTIES. DALE

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